

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

NEW HOPE FARM OF NELSON )  
COUNTY, LLC, a Kentucky limited )  
liability company, ) Case No. 3:21-cv-00021  
)  
Plaintiff, ) District Judge William L. Campbell, Jr.  
v. ) Magistrate Judge Jeffery S. Frensley  
)  
WAYNE O'CONNELL and )  
GABRIELLE O'CONNELL, )  
)  
Defendants. )  
)

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**ENTRY OF DEFAULT**

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Pending is Plaintiff's Application for Entry of Default against Wayne O'Connell and Gabrielle O'Connell pursuant to Federal Rule of Civil Procedure 55(a) (Doc. No. 53). For the following reasons, Plaintiff's Motion is **GRANTED**.

On August 24, 2023, Plaintiff filed a Verified Supplemental Complaint against the O'Connells. (Doc. No. 35). On March 19, 2024, Plaintiff filed proof of service declarations executed by process server, Michelle Sturdee, confirming personal service of the Verified Supplemental Complaint upon Wayne O'Connell and Gabrielle O'Connell on March 7, 2024. (Doc. Nos. 50 and 51, respectively). Plaintiff filed the pending Application for Entry of Default on March 28, 2024. (Doc. No. 53).

Pursuant to Local Rule 55.01,

Motions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying, among other things, (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing

party is not a minor or incompetent person; and (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration.

L.R. 55.01 (emphasis added). Plaintiff submits the Affidavit of Blake Roth confirming that Defendants are neither incompetent nor minors. (Doc. No. 54). Plaintiff also submits Status Reports from the Department of Defense Manpower Data Center confirming that neither Defendant is an active military member. (Doc. No. 55). To date, Defendants have not responded or otherwise defended this action despite being personally served on March 7, 2024.

Plaintiff has satisfied its obligations under Rule 55(a) and Local Rule 55.01. “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a). Accordingly, the Plaintiff's Application for Entry of Default against Wayne O'Connell and Gabrielle O'Connell, (Doc. No. 53) is **GRANTED**.

s/ Lynda M. Hill  
Lynda M. Hill  
Clerk of Court